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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,360	10/31/2003	Eric S. Olson	TCOM0012	5403

39258 7590 06/13/2006

TENSORCOMM, INC.  
1490 W. 121ST AVE., SUITE 105  
WESTMINISTER, CO 80234

EXAMINER
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WARE, CICELY Q

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/699,360

Applicant(s)

OLSON ET AL.

Examiner

Cicely Ware

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-17, 19, 21, 24-27, 29 and 32 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 18, 20, 22, 23, 28, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because:
  - a.) In Figs. 1, 2, 3, 4, 10, examiner suggests applicant insert signal flow arrows for clarification purposes (i.e. between elements 1-1 and 1-3 in Fig. 1, is this a two-way direction or a one-way direction).
2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:
    - a. Pg. 1, line 5, examiner suggests applicant insert the correct US Patent Application numbers for clarification purposes.
    - b. Pg. 4, line 10, applicant uses the phrase "to one another other". Examiner suggests applicant re-write this phrase for clarification purposes.
    - c. Pg. 4, line 30, examiner suggests applicant move the heading "Summary" to Pg. 5 for clarification purposes.
- Appropriate correction is required.

***Claim Objections***

4. Claim 18 is objected to because of the following informalities:
- a. Claim 18, examiner suggests applicant re-write this claim for clarification purposes.

Appropriate correction is required.

5. Claims 20 and 28 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 6, 16, 17, 24-26, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Zehavi et al. (US Patent 5,892,774).

(1) With regard to claim 1, Zehavi et al. discloses in (Fig. 4 (154) and Fig. 5) a receiver (Fig. 5 (90, 206)), comprising: a demodulator unit (208) configured for determining a code from each of a plurality of signals and for demodulating one or more of the plurality of signals; and a processing engine (90) communicatively coupled to the demodulator unit and configured for generating a matrix (210) of one or more vectors

based on determined codes, wherein each element of the vectors comprises a component of the determined codes and wherein the matrix is used to selectively substantially reduce energy from one or more of the signals (col. 7, lines 1-27, col. 8, lines 23-36).

(2) With regard to claim 2, claim 2 inherits all the limitations of claim 1. Zehavi et al. further discloses in (Fig. 5) a searcher finger (206) configured for selecting signals for demodulation (208) from said plurality of signals and for determining one or more codes from selected signals (224, 226) (col. 7, lines 37-58).

(3) With regard to claim 3, claim 3 inherits all the limitations of claim 2. Zehavi et al. further discloses in (Fig. 5) the demodulator unit (208) comprises a plurality of demodulator fingers (206) configured for demodulating the selected signals.

(4) With regard to claim 4, claim 4 inherits all the limitations of claim 2. Zehavi et al. further discloses the determined codes comprise code offsets in time from one another (col. 7, lines 37-43, col.8, lines 23-36).

(5) With regard to claim 6, claim 6 inherits all the limitations of claim 1. Zehavi et al. further discloses each vector of the matrix has one or more elements, each element comprising a component of a determined code associated with one of the plurality of signals (col. 7, lines 1-27).

(6) With regard to claim 16, see rejection of claim 1.

(7) With regard to claim 17, claim 17 inherits all the limitations of claim 16. See rejection of claim 1.

(8) With regard to claim 24, see rejection of claim 1.

(9) With regard to claim 25, claim 25 inherits all the limitations of claim 24. See rejection of claim 3.

(10) With regard to claim 26, claim 26 inherits all the limitations of claim 24. See rejection of claim 2.

(11) With regard to claim 32, see rejection of claim 1.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 5, 7-9, 19, 21, 27, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zehavi et al. (US Patent 5,892,774), as applied to claim 1, 16, 24, in view of Madhow et al. (US Patent 6,175,587).

(1) With regard to claim 5, claim 5 inherits all the limitations of claim 1. However Zehavi et al. does not disclose wherein the matrix comprises one composite interference vector having one or more elements, wherein each element of the vector includes a component of a determined code and a relative amplitude of one of the signals associated with the determined code.

However Madhow et al. discloses wherein the matrix comprises one composite interference vector having one or more elements, wherein each element of the vector

includes a component of a determined code and a relative amplitude of one of the signals associated with the determined code (col. 9, lines 6-8, 46-61).

Therefore it would have been obvious to one of ordinary skill in the art to modify Zehavi et al. in view of Madhow et al. to incorporate wherein the matrix comprises one composite interference vector having one or more elements, wherein each element of the vector includes a component of a determined code and a relative amplitude of one of the signals associated with the determined code in order to implement interference suppression adaptively (Madhow et al., col. 2, lines 51-55).

(2) With regard to claim 7, claim 7 inherits all the limitations of claim 1. Madhow et al. further discloses a radio frequency front end configured for receiving the signals (col. 4, lines 26-31).

(3) With regard to claim 8, claim 8 inherits all the limitations of claim 7. Madhow et al. further discloses in (Fig. 4 (402, 404)) wherein the processing engine comprises a channel selector configured for selecting components of the determined codes from signals selected for energy reduction (col. 7, lines 29-49, col. 8, lines 40-60).

(4) With regard to claim 9, claim 9 inherits all the limitations of claim 8. Madhow et al. further discloses wherein the processing engine is further configured to generate a cancellation operator used to substantially reduce the energy of the signals selected for energy reduction (col. 7, lines 6-28, col. 8, lines 40-60, col. 10, lines 3-12).

(5) With regard to claim 19, claim 19 inherits all the limitations of claim 16. See rejection of claim 5.

(6) With regard to claim 21, claim 21 inherits all the limitations of claim 16. See rejection of claim 9.

(7) With regard to claim 27, claim 27 inherits all the limitations of claim 24. See rejection of claim 5.

(8) With regard to claim 29, claim 29 inherits all the limitations of claim 24. See rejection of claim 9.

10. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zehavi et al. (US Patent 5,892,774), as applied to claim 1, in view of Corbaton et al. (US Patent Application 2003/0072390).

(1) With regard to claim 12, claim 12 inherits all the limitations of claim 1. However Zehavi et al. does not disclose the determined codes are selected from a group consisting of a spreading code and a covering code.

However Corbaton et al. discloses the determined codes are selected from a group consisting of a spreading code and a covering code (Pg. 4, col. 2, lines 1-9).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Zehavi et al. in view of Corbaton et al. to incorporate the determined codes are selected from a group consisting of a spreading code and a covering code in order to provide a more accurate C/I estimation for supporting variable data rate request schemes and turbo decoding (Corbaton et al., Pg. 1, col. 2, lines 24-28).



(2) With regard to claim 13, claim 13 inherits all the limitations of claim 12.

Corbaton et al. further discloses the spreading code is a short code (Pg. 4, col. 2, lines 1-9).

11. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zehavi et al. (US Patent 5,892,774) in view of Corbaton et al. (US Patent Application 2003/0072390) as applied to claims 1 and 12, in further view of Butler et al. (US Patent Application 2002/0131479).

(1) With regard to claim 14, claim 14 inherits all the limitations of claim 12. Zehavi et al. in combination with Corbaton et al. disclose all the limitations of claim 12. However Zehavi et al. in combination with Corbaton et al. do not disclose wherein the covering code is selected from a group consisting of a Walsh code and a quasi-orthogonal function code.

However Butler et al. discloses wherein the covering code is selected from a group consisting of a Walsh code and a quasi-orthogonal function code (Pg. 1, col. 1, lines 20-47, Pg. 6, col. 1, lines 1-5, 25-46).

Therefore it would have been obvious to one of ordinary skill in the art to modify the inventions of Zehavi et al. in combination with Corbaton et al. in view of Butler et al. to incorporate wherein the covering code is selected from a group consisting of a Walsh code and a quasi orthogonal function code in order to channelize data onto different code channels (Butler et al., Pg. 6, col. 1, lines 44-46).

(2) With regard to claim 15, claim 15 inherits all the limitations of claim 1. Butler et al. further discloses the signals are selected from a group consisting of cdma2000 signals and cdmaOne signals (Pg. 1, col. 1, lines 20-47, Pg. 6, col. 1, lines 1-5, 25-46).

***Allowable Subject Matter***

12. Claims 10, 11, 22, 23, 30, 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The instant application discloses a receiver with a processing engine reduces interference caused by unwanted signals by mathematically reducing the energy of the signals. Prior art references show similar methods but fail to teach: **“the cancellation operator comprises a projection operator  $P_{\text{sub.s.sup.}}^{\text{perp}}$  having the following form:  $P_{\text{sub.s.sup.}}^{\text{perp}} = I - S(S^{\text{sup.TS}})^{\text{sup.}} - 1S^{\text{sup.T}}$ , where  $I$  is an identity/matrix,  $S$  is the matrix and  $S^{\text{sup.T}}$  is a transpose of the matrix”**, as in claims 10, 22, 30; **“wherein the processing engine comprises an application unit configured for applying the projection operator  $P_{\text{sub.s.sup.}}^{\text{perp}}$  to a desired code  $x$  to selectively substantially reduce one or more of the plurality of signals, wherein the projection operator  $P_{\text{sub.s.sup.}}^{\text{perp}}$  is applied to the desired code according to the following form:  $P_{\text{sub.s.sup.}}^{\text{perp}}x = (I - S(S^{\text{sup.TS}})^{\text{sup.}} - 1S^{\text{sup.T}})x$ ”**, as in claims 22, 23 and 31.

***Conclusion***

13. The prior art made record of and not relied upon is considered pertinent to applicant's disclosure:

a. Walton et al., US Patent Application 2003/0081538, discloses a multiple-access hybrid OFDM-CDMA system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cicely Ware whose telephone number is 571-272-3047. The examiner can normally be reached on Monday – Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

***Cicely Ware***

cqw  
June 2, 2006

  
**KHAI TRAN**  
**PRIMARY EXAMINER**